

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Huguenin, and Remy

From: Theis Finlev, Executive Fellow
Mark Krausse, Executive Director

Subject: Legislative Report

Date: June 1, 2005

Friday, June 3rd is the deadline for bills to pass out of their house of origin. We will provide the Commission with an updated status report at the June meeting. Additionally, the first three bills on this report are presented to inform the Commission of recent actions the status alone does not provide.

<i>Informational Items</i>		PRA bills of interest	
Bill No.	Author	Title	Introduced/Amended
AB 709 Wolk		Candidate-controlled ballot measure committees	A-05/19/05
Imposes a \$5,600 limit on contributions to ballot measure committees controlled by elective state office candidates. Primarily formed ballot measure committees would be subject to the post-election fundraising restrictions in the Act. The bill aggregates contributions to multiple ballot measure committees in support of, or in opposition to, the same ballot measure that are controlled by the same state candidate. Amended to subject the changes to the PRA to voter approval, thus removing the 2/3 vote requirement. Passed Assembly; to Senate. Position: Support.			
AB 938 Umberg		Campaign expenditure disclosures	A-06/01/05
This bill would require electronic filers to also file a report online or electronically disclosing expenditures totaling \$10,000 or more to support or oppose the qualification or passage of a ballot measure, and disclosing other specified information, within 10 business days of making the expenditure. The bill would require that this report also be filed in the places where the committee would be required to file campaign statements if it were formed or existing primarily to support or oppose the measure for or against which it is making the expenditure. Amended to submit the change to the voters, thus removing 2/3 vote requirement. On Assembly floor.			
AB 1558 Wolk		Pilot project: financial interests in public contracts	I-02/22/05
Commission-sponsored Govt. Code sec. 1090 pilot project to issue opinions to public officials after consultation with the AG's office and applicable local prosecutor. On Assembly floor. Position: Sponsor. Note: As the Friday deadline for passage approached the decision was made with the author's office to take this bill up next year rather than risk a failed vote at this time. This was due to a number of factors. First, the analysis of the Assembly Republican Caucus, in a report that contained some errors, took an oppose position on the bill. That position was based in part on the opposition of the Los Angeles District Attorney and the California District Attorneys Association. Because the bill needs a minimum of six Republican votes, it was decided that we would work to remove opposition, and meet with members before taking the bill up for a floor vote in January.			

Informational Items		Bills Amending the Political Reform Act	
Bill No.	Author	Title	Introduced/Amended
AB 16	Huff	Campaign Contributions	A-02/09/05
This bill prohibits the Governor or a member of the Legislature from accepting any campaign contributions between the date of the May budget revision and the date of the enactment of the budget bill for the upcoming fiscal year. Failed in Assembly Elections Committee. Position: Oppose unless amended.			
AB 40	Wolk	Conflict of interest: lobbying interests	I-12/6/04
This bill prohibits lobbyists who contract with an elected state officer from lobbying that officer, his or her staff or the staff of any committee the member chairs, and requires notification to the Secretary of State by lobbyists who enter into a contractual agreement with an elected state officer. AB 40 also requires that any payment conditioned on the outcome of an election be disclosed in pre-election reports. Failed in Assembly Elections Committee. Position: Oppose unless amended.			
AB 347	Huff	Enforcement	A-03/29/05
This bill would make a violation of the Act a misdemeanor or felony, punishable by imprisonment in a county jail for no more than one year, or by 16 months, 2 years, or 3 years in the state prison. This bill contains other related provisions and other existing laws. Failed in Assembly Elections Committee. Position: Support.			
AB 513	Richman	Lobbyist registration: bond consultants	A-04/26/05
This bill would expand the definition of administrative action to include the selection of an underwriter for state or local bond business. Failed in Assembly Appropriations Committee. Position: no position.			
AB 583	Hancock	California Clean Money Act Of 2005	A-04/13/05
This bill would enact the California Clean Money and Fair Elections Act of 2005, which would authorize eligible candidates, as defined, to obtain public funds according to specified procedures and requirements, provided that certain thresholds are attained. The bill would impose responsibility for the administration of the provisions of the bill on the Fair Political Practices Commission. The bill would appropriate \$500,000 each fiscal year from the fund created by the bill to the Fair Political Practices Commission for the purpose of administration of the act, as specified. Failed in Assembly Elections Committee. Position: no position.			
AB 739	Nation	Political Expenditure Disclosure	A-05/03/05
The bill lowers from \$50,000 to \$10,000 the reporting threshold applicable to issue advocacy communications that clearly identify a candidate for elective state office made within 45 days of an election. The bill also lowers the threshold for donor reporting from \$5,000 to \$1,000. Passed Assembly; to Senate Elections Committee. Position: no position.			

Informational Items		Bills Amending the Political Reform Act (cont'd)	
Bill No.	Author	Title	Introduced/Amended

AB 891 DeVore Slate Mailer Organizations A-04/13/05

This bill would amend the Act's slate mailer provisions to (1) make inclusion in a slate mailer sent by a recipient committee not at the candidate's behest a contribution to a candidate who does not pay equal consideration for the mailer; (2) require a slate mailer organization to notify the candidate of the value of the contribution; and (3) require the Commission adopt regulations providing a method for valuing slate mailer communications. **Failed in Assembly Elections Committee.**

AB 1391 Leno Campaign disclosure A-03/29/05

This bill would define a state general purpose committee as a committee that is not a county or city general purpose committee, or a committee that makes expenditures to support or oppose candidates or measures voted on in a state election, or in more than one county, including contributions to state general purpose committees, which total more than 50% of the contributions and independent expenditures made by the committee. **Set for hearing: 6/15/05 in Senate Elections Committee.**

Position: Sponsor.

AB 1755 Committee Commission-sponsored omnibus bill I-03/15/05

Commission-sponsored bill to 1) delete reporting provisions relating to the now-obsolete March state primary, 2) clarify two provisions related to electronic reporting, 3) extend from 30- to 45-days the period during which a candidate may leave one office and assume another without having to file a new SEI, and 4) requires service to the Commission of a copy of a civil suit filed under the Act before relief may be granted. **Referred to Senate Elections Committee. Position: Sponsor.**

SB 8 Soto Conflicts of interest A-03/30/05

This bill extends the one-year post-governmental employment restrictions currently applicable to state public officials to local elected officials, county chief administrative officers, city managers or administrators, and special district general managers or chief administrators. **On Assembly floor.**

Position: Oppose unless amended.

SB 11 Bowen Contributions: voting equipment manufacturers or vendors A-03/30/05

This bill prohibits a candidate for elective state or local office from accepting any contributions from a manufacturer or vendor of voting equipment or systems. This bill also amends the Elections Code to declare that the Secretary of State cannot serve as an officer of a political party or partisan organization, or support or oppose any candidate or ballot measure. **On Senate floor. Position:**

Oppose unless amended.

SB 25 Ackerman Political Reform Act of 1974 A-01/19/05

This bill creates a presumption that a contribution received in response to a written solicitation from an elective state office candidate or his or her committee is received in response to that solicitation, for that candidate or committee, or for the term of office specified in the solicitation. The bill also repeals two sections related to the now obsolete March state primary election. **On Senate floor. Position: Oppose unless amended.**

Informational Items		Bills Amending the Political Reform Act (cont'd)	
Bill No.	Author	Title	Introduced/Amended

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SB 36 Florez 501(c)(4) issue advocacy disclosure A-04/12/05
The Political Reform Act of 1974, as amended by Proposition 34 of the November 7, 2000, statewide general election, requires a person who pays or promises to pay \$50,000 or more for an issue advocacy communication, which clearly identifies a candidate for elective state office but does not expressly advocate the election or defeat of the candidate, made within 45 days of an election, to file a specified disclosure report online or electronically with the Secretary of State within 48 hours of making or promising the payment. This bill would require a similar filing by a person who pays or promises to pay \$50,000 for a communication to 10,000 voters within the jurisdiction that the candidate is seeking office. **On Senate floor. Position: Oppose unless amended.**

SB 54 Ackerman Political Reform Act of 1974 I-01/14/05
Substantially similar to, and rendered obsolete by, SB 25. **Referred to Rules Committee. Position: Oppose unless amended.**

SB 145 Murray Contributions A-03/14/05
This bill would authorize an elected state officer to accept contributions after the date of the election to the office presently held for the purpose of paying expenses associated with holding office or for any other purpose authorized by the Political Reform Act of 1974, subject to certain limitations. The bill would set limits on the amount of contributions that may be made to an elected state officer in a calendar year and on the aggregate amount of contributions that a state officer may receive in a calendar year. **Referred to Assembly Elections Committee. Position: Neutral.**

SB 289 Battin Conflicts of interest I-02/16/05
"Spot" bill that adds "or her" where "his" is used in statute 87100 of the Political Reform Act. **Referred to Rules Committee.**

SB 721 Chesbro Elections: ballot pamphlets A-04/18/05
Existing law provides that any elector may initiate a challenge to a copy for the ballot pamphlet for statewide elections by showing that the copy is false, misleading, or inconsistent with specified statutory law, and that the issuance of a writ of mandate to amend or delete copy will not substantially interfere with the printing and distribution of the ballot pamphlet. This bill would codify the requirements of existing law that, in ruling on a challenge to a ballot pamphlet copy, a court shall indulge all legitimate presumptions in favor of the propriety of the copy, and find the copy sufficient in cases where reasonable minds could differ as to the sufficiency of the copy. **Died in Senate Elections Committee.**

SB 784 Committee Campaign contributions and expenditures A-05/17/05
This bill extends the reporting threshold and deadline for payments for legislative, governmental, or charitable purposes made "at the behest of" an elected official from \$5,000 to \$7,000 and from 30 days to 90 days, respectively. It also specifies that such a payment made in response to a press release, interview, or other media-related communication from an elected official is not required to be reported. In addition, it adds that an elected official is required to report such a payment only if he or she knows, or has reason to know, that a payment was made at his or her behest. **Referred to Assembly Elections Committee. Position: neutral.**

Informational Items		Bills Amending the Political Reform Act (cont'd)	
Bill No.	Author	Title	Introduced/Amended

SB 929 Kehoe California Coastal Commission: administrative actions A-04/21/05

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As proposed to be amended, this bill expands the definitions of lobbyist to include those in direct communication with California Coastal Commissioners for the purpose of influencing quasi-judicial decisions. **On Senate floor. Position: neutral.**

SB 1013 Florez **Political expenditure** **I-02/22/05**
Nonsubstantive "spot" bill. **In Senate Rules Committee awaiting assignment.**

Informational Items		Bills Not Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

SCA 13 Ortiz **Biomedical research** **A-5/23/05**
The California Stem Cell Research and Cures Act (Proposition 71) established the California Institute for Regenerative Sciences and the Independent Citizens Oversight Committee to perform various oversight functions with regard to the Institute. Members of the ICOC are required to file statements of economic interest with the FPPC. This constitutional amendment would require that the president and each employee of the Institute, and any member of any working or advisory group appointed to assist the institute or its governing body also disclose various economic interests and file with the FPPC. **On Senate floor.**

SB 18 Ortiz **Reproductive health and research** **A-02/22/05**
This bill would declare that it is the intent of the Legislature that the Independent Citizen's Oversight Committee define which positions would be subject to the Political Reform Act and that the requirements for the reporting of economic interest be commensurate with those required of state agency appointees. **Passed Senate; to Assembly.**

ACR 1 McLeod **Proposition 71: stem cell research** **A-03/17/05**
This measure would urge the Independent Citizen's Oversight Committee established pursuant to Proposition 71 approved by the voters at the November 2, 2004, general election, to adopt robust conflict-of-interest standards for itself and for the members of its working groups, to comply with standards set forth in provisions of law relating to open meetings of public agencies and public records, and to report to the Legislature by April 1, 2005. **Set for hearing: 6/08/05 in Senate Health committee.**